



08CV1007-H-CAB

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

# 152510 - TC

July 02, 2008  
11:16:36

**Habeas Corpus**

USAO #: 08CV1007  
Judge.: MARILYN L HUFF  
Amount.: \$5.00 MO  
Check#: 10159984635

**Total-> \$5.00**

FROM: JAVIER ESPINOZA RODRIGUEZ  
VS  
JOHN C. MARSHALL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JAVIER ESPINOZA RODRIGUEZ,  
Petitioner,  
v.  
JOHN C. MARSHALL, Warden,  
Respondent.

Civil No. 08cv1007-H (CAB)

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than August 6, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.

**IT IS SO ORDERED.**

DATED: June 11, 2008

CC: ALL PARTIES

[REDACTED]

United States District Judge

MIME-Version:1.0 From:efile\_information@casd.uscourts.gov To:casd.uscourts.gov Bcc:  
Message-Id:<2651184@casd.uscourts.gov>Subject:Activity in Case 3:08-cv-01007-H-CAB Rodriguez v.  
Marshall Order Dismissing Case Content-Type: text/html

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**U.S. District Court**

**Southern District of California**

**Notice of Electronic Filing**

The following transaction was entered on 6/11/2008 at 11:32 AM PDT and filed on 6/11/2008

**Case Name:** Rodriguez v. Marshall

**Case Number:** 3:08-cv-1007

**Filer:**

**WARNING: CASE CLOSED on 06/11/2008**

**Document Number:** 3

**Docket Text:**

**ORDER DISMISSING CASE** without prejudice. If Petitioner wishes to proceed with this case, he must submit, no later than 08/06/2008, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. The Petitioner was mailed a blank IFP Application along with a copy of this order. Signed by Judge Marilyn L. Huff on 06/11/08. (ag)

**3:08-cv-1007 Notice has been electronically mailed to:**

Attorney General docketingsdawt@doj.ca.gov

**3:08-cv-1007 Notice has been delivered by other means to:**

Javier Espinoza Rodriguez

V-15361

California Men's Colony

PO Box 8101

San Luis Obispo, CA 93409

The following document(s) are associated with this transaction: